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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,161	12/18/2001	Kazuya Suzuki	0229-0681P	9259
2292	7590	12/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,161	SUZUKI, KAZUYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Geoffrey L. Knable	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 September 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-24,28-34 and 37-43 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 41-43 is/are allowed.

6) Claim(s) 22-24,28-34 and 37-40 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai (US 4,875,959) taken in view of Minami et al. (US 5,688,343) and/or Smithkey, Jr. (US 3,657,039) and further in view of Sergel et al. (US 5,582,664) and optionally Oku et al. (US 5,186,773).

These references are applied for substantially the same reasons as applied in the last office action. As to the new requirement in claim 22 that the component be one of the defined components with at least three strips from the same rubber composition, it is first again noted that the member assembly in Kumagai forms a chafer which would correspond to the claimed "bead rubber" (a chafer being that part of the tire that will contact the rim and thus covers the axially outer surface and bottom surface of the bead portion). Further, this assembly is illustrated to include three layers 5, 6, and 7.

Although these layers are described and illustrated as "different" from one another, the only described difference is a difference in the angle of the cords within the chafer strips and along which the cutting occurs - note esp. col. 3, lines 41-50. In such case, it is considered to have been implicit or in any event obvious to provide the same topping rubber composition for the various layers that are used in the same area of the tire, an obvious advantage being the reduced need for different rubber compositions.

3. Claims 22, 24, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggs (US 4,276,104) taken in view of Costemalle et al. (US 5,376,438), Steinle (US 2,649,134) and optionally Oku et al. (US 5,186,773).

These references are applied for substantially the same reasons as set forth in the last office action. As to the new requirement in claims 22/23 that the component/sidewall be formed from at least three strips from the same rubber composition, Riggs describes prelaminating a sidewall but does not expressly suggest at least three layers as claimed. In light of Costemalle, however, it is apparent that it is known in this art to form at least part of the tire sidewall from a plurality of layers of the same composition (note esp. col. 2, lines 35-38). Note that Steinle also indicates an understanding by the ordinary artisan that a sidewall can be formed from three or more thin layers (col. 5, line 71 - col. 6, line 25).

4. Claims 22, 23, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US 1,353,934) taken in view of at least one of [Deist (US 3,223,573) and JP 62-279104 to Bridgestone], Ragan (US 3,472,714 - newly applied) and Montagne (US 3,907,019) and optionally Oku et al. (US 5,186,773).

These references are applied for substantially the same reasons as set forth in the last office action. As to the new requirement in claim 22 that the component be one of the defined components with at least three strips from the same rubber composition, it is noted that although only two calenders 9 and 10 are illustrated for forming the tread in Morris, Morris suggests that "9 and 10 represent respectively two of a plurality of calenders which roll the successive plies of the tread and ply them up or build them one upon successively" (page 1, lines 99-103) and "[I]t is obvious that the number of calenders 9, 10 used in such a machine will correspond to the number of plies or strips of rubber that are required to make up the tread portion proper" (page 3, lines 64-68). It

thus seems that this reference clearly contemplates using more than the illustrated two calendars and thus more than two layers as claimed. Note also Montagne as well as newly applied Ragan that establish that forming treads by laminating a plurality of thin layers of the same composition is known and suitable and effective. Further, these references suggest that when using such strips, they can suitably either be of equal width (Ragan) or of decreasing widths (Montagne) as required by claims 28 and 29.

5. Claims 32, 33 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art applied in the immediately preceding paragraph above (i.e. Morris + other references) taken in view of [Kumagai (US 4,875,959) taken in view of Minami et al. (US 5,688,343) and/or Smithkey, Jr. (US 3,657,039) and further in view of Sergel et al. (US 5,582,664) and optionally Oku et al. (US 5,186,773)].

To provide a tire having a laminated tread additionally with a chafer/bead rubber from at least three layers as claimed would have been obvious in view of Kumagai + the other references as applied in paragraph "2" above, these reference suggesting the advantageous construction of the chafer in this manner.

6. Claims 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art applied in the paragraph "4" above (i.e. Riggs + other references) taken in view of [Kumagai (US 4,875,959) taken in view of Minami et al. (US 5,688,343) and/or Smithkey, Jr. (US 3,657,039) and further in view of Sergel et al. (US 5,582,664) and optionally Oku et al. (US 5,186,773)].

To provide a tire having a laminated sidewall additionally with a chafer/bead rubber from at least three layers as claimed would have been obvious in view of

Kumagai + the other references as applied in paragraph "2" above, these references suggesting the advantageous construction of the chafer in this manner.

7. Claims 41-43 are allowed.
8. Applicant's arguments have been considered but are essentially moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

As to the arguments with respect to the newly claimed features of claim 22, the new features have been treated within the statements of rejection above. It is also argued that the method of claim 22 provides unexpected results in terms of improved radial force variation. It is noted however that it seems well understood in this art that staggering joints would have been expected to provide improved tire uniformity and thus it is not clear that this is an unexpected result. Further and in any event, Kumagai and the other references clearly suggest staggering the joints and thus would be expected to also have improved uniformity.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
December 26, 2005